

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE
U.S. DISTRICT COURT
AT ROANOKE, VA
FILED
February 19, 2025
LAURA A. AUSTIN, CLERK
BY: s/ M.Poff, Deputy Clerk

GABRIELLA MUTTER,

Plaintiff,

v.

SOUTHWEST VIRGINIA REGIONAL
JAIL AUTHORITY - TAZEWELL, *et al.*,

Defendants.

Case No. 7:25-cv-00021

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Gabriella Mutter, proceeding *pro se*, filed a civil-rights complaint under 42 U.S.C. § 1983 against multiple employees of the Virginia Department of Corrections. (*See* Compl. [ECF No. 1].) On January 14, 2025, the Court ordered Plaintiff to execute and return a consent to withholding of filing fees form to complete her application for leave to proceed in forma pauperis. (*See* Order [ECF No. 3].) The Court advised Plaintiff that failure to comply with the order within 30 days would result in dismissal of this action. (*Id.* at 2.)

More than 30 days have elapsed, and Plaintiff has failed to submit a signed consent form or pay the full filing fee. Accordingly, the Court will dismiss the action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b). If she so chooses, Plaintiff may refile the claims in a separate action, subject to the applicable statute of limitations.

ENTERED this 19th day of February, 2025.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE